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FACSIMILE SUBMISSION UNDER 37 CFR 1.8

TO:	FROM:
Mail Stop Amendments	Jason D. Kelly
COMPANY:	DATE:
U.S. Patent & Trademark Office	OCTOBER 3, 2006
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
571-273-8300	3
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
571-272-4756	1023-271US02
RE:	APPLICATION SERIAL NUMBER:
Response to Election Requirement	10/656,855

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Nicolas C. Rivron; Confirmation No. 8584
Paul V. Trescony;
Michael F. Wolf
Serial No.: 10/656,855
Filed: September 4, 2003 Customer No.: 28863
Examiner: Brian E. Pellegrino
Group Art Unit: 3738
Docket No.: 1023-271US02
Title: IMPLANTABLE MEDICAL DEVICES HAVING RECESSES

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CERTIFICATE UNDER 37 CFR 1.81 hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on October 3, 2006.

By: Shirley A. Bfllach

Name: Shirley A. Bfllach

Mail Stop Amendments
Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached correspondence relating to this application:

- ☒ Transmittal sheet containing Certificate of Mailing
☒ Response to Election Requirement (1 pg.)
☒ No additional fee is required

Please apply any charges not covered, or any credits, to Deposit Account No. 50-1778.

Date: 10/3/06By: Jason D. Kelly

Name: Jason D. Kelly

Reg. No.: 54,213

SHUMAKER & SIEFFERT, P.A.
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RESPONSE TO ELECTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

This response is to the Office Action mailed September 6, 2006. Claims 11, 12 and 14-41 have been made subject to an election of species requirement under 35 U.S.C. § 121 as follows:

Species I: Fig. 8
Species II: Fig. 9
Species III: Fig. 10

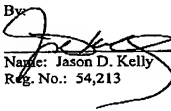
Applicant hereby elects Species III (FIG. 10) without traverse. Applicant submits that all of pending claims 11, 12 and 14-41 are readable on Species III.

Applicant also respectfully disagrees with the assertion in the Office Action that no claims are generic to the three species. As examples, independent claims 11, 19, 25, 33 and 35 are generic to the three species.

Date:

10/3/06
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By:


Name: Jason D. Kelly
Reg. No.: 54,213